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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,341	01/25/2002	Tsuneo Sakamoto	1921-0138P	7170

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

LE, JOHN H

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/055,341

Applicant(s)

SAKAMOTO ET AL.

Examiner

John H Le

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet limited to 150 words. Correction is required. See 37CFR 1.72.
2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Spira et al. (US 2002/0035495 A1).

Regarding claim 1, Spira et al. teach a system for inspecting thermal equipment to be built between a facility site which is equipped with thermal equipment and which is under a specified contract for the thermal equipment ([0049]-[0050]), and a management center which serves for maintenance and management of the thermal equipment ([0054]), the system comprising: a communication line for connecting the facility site and the management center to each other ([0007]-[0008]); an operating state information collecting device provided at the facility site and serving for collecting information related to operating state of the thermal equipment ([0050]); a facility-side modem interposed between the operating-state information collecting device and the communication line ([0061]); an information processing device which is provided at the management center and which fetches the information related to operating state of the thermal equipment via the communication line and further which executes creation of report data for use of inspection recording related to an inspection of the thermal equipment as well as delivery of the created report data to the facility site([0036]); a center-side modem interposed between the information processing device and the communication line; and an output device which is provided at the facility site and which serves for outputting a report based on the delivered report data ([0063]).

Regarding claims 1 and 13, Spira et al. teach a method for inspecting thermal equipment ([0049]-[0050]), comprising the steps of fetching information related to operating state of thermal equipment via a communication line into an information

processing device provided at a management center connected via the communication line to a facility site which is equipped with the thermal equipment and which is under a specified contract for the thermal equipment ([0052], [0060]-[0063]); making the information processing device execute creation of report data for use of inspection recording related to an inspection of the thermal equipment as well as delivery of the created report data to the facility site ([0054], [0073]); and outputting from an output device a report based on the report data delivered from the information processing device at the facility site ([0131],[291])(Fig.13).

Regarding claims 2, 6, Spira et al. teach the information related to operating state is fetched into the information-processing device at a specified time point ([0084], [0103], [0157]).

Regarding claims 3, 5, 7, 9, 11, 12, Spira et al. teach the report data is stored in a data storage device at each time of creation of the report data, and the information processing device executes creation of total report data for a specified period at which the stored report data is to be totaled as well as delivery of the created total report data to the facility site, while at the facility site, a total report of the specified period based on the total report data delivered from the information processing device is outputted from the output device ([0165]-[0169],[0324],[0340])(Fig.13).

Regarding claims 4, 10, Spira et al. teach abnormality information is fetched into the information-processing device, and the fetched abnormality information is included in the report data ([0054], [0059], [0070], [0075], [0165]).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spira et al. (US 2002/0035495 A1) in view of Bowcutt et al. (USP 6,308,328).

Regarding claims 13-16, Spira et al. discussed supra, discloses the claimed invention as discussed in claims 1, 3, and 4 above except a facility-side modem interposed between the operating-state information collecting device and the communication line; and a center-side modem interposed between the information processing device and the communication line.

Bowcutt et al. teach modem pool 135, RF modem 106, communication manager 102 comprises a data processor and memory for storage of statistical data, in contract for recording and collecting usage and other statistical data from components of a cable data network (Fig.1)(Abstract, Col.8, lines 33-58, Col.11, lines 22-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include modem pool 135, RF modem 106, communication manager 102 as taught by Bowcutt et al. in a method of providing maintenance services of Spira et al. for the purpose of providing a cable data delivery system in which the downstream data delivery system is provided over an existing cable television distribution network and the upstream path from a subscriber is provided over a standard telephone line (Bowcutt et al., Col.2, line 65-Col.3, line 19).

***Other Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Shirata et al. (USP 5,321,629) disclose a facility inspection support apparatus having portable terminal equipment for collecting on the field basis a patrol inspection result at each site of plant facilities, and a processor for receiving the patrol inspection result data collected by the portable terminal equipment and performing a necessary data process.

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Le whose telephone number is (703) 605-4361. The examiner can normally be reached on Monday to Friday from 9:00 AM to 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. John Barlow, can be reached at (703) 308-3126. The facsimile number for Technology Center 2800 is (703) 308-5841.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist of the Technology Center whose telephone number is (703) 308-0956.

John H. Le

Patent Examiner-Group 2863

June 12, 2003

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800